



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WHITHAM, CURTIS & CHRISTOFFERSON, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON, VA 20190

COPY MAILED

MAY 02 2006

OFFICE OF PETITIONS

In re Patent of	:	
Sekiguchi	:	
Patent No. 6,928,541	:	
Issue Date: August 9, 2005	:	Decision on Petition
Application No. 09/878,351	:	
Filing Date: June 12, 2001	:	
Attorney Docket No. 05510010AA	:	

This is a decision on the petition under 37 C.F.R. § 1.183, filed December 5, 2005, to waive the rules and accept the correction of the assignee data on the front page of the above-identified patent. The petition is also being treated as a request under 37 CFR 3.81 to accept the correction of the assignee data.

The petition under 37 CFR 1.183 is **DISMISSED AS MOOT**.

The request under 37 CFR 3.81 is **GRANTED**.

Effective June 25, 2004, the practice relating to issuance of a patent to an assignee was modified by requiring that, after payment of an issue fee, a request for a certificate of correction must be filed in order to obtain issuance of the patent to an assignee. Thus, where the assignment data is submitted after payment of the issue fee, the patent document will not include the assignment information. Therefore, as 37 CFR 3.81(b) was modified to provide for issuance of the patent to the assignee, the practice of waiving the rule (37 CFR 3.81(a)) under 37 CFR 1.183 is longer necessary and has been eliminated.

37 CFR 3.81(b), as modified, reads:

Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

In other words, the request under 37 CFR 3.81(b) will be granted when:

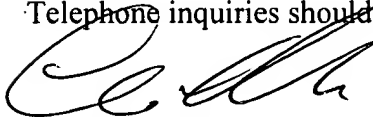
- (1) a request under 37 CFR 3.81 and the fee set forth in 37 CFR 1.17(i) are filed,
- (2) the assignment was submitted for recordation prior to issuance of the patent, and
- (3) a request for a certificate of correction and the fee set forth in 37 CFR 1.20(a) are submitted.

Petitioner has met the requirements set forth above. Therefore, the request is granted.

Petitioner's deposit account will be charged \$130 for the petition under 37 CFR 3.81(b) and \$100 for the certificate of correction. Although petitioner contends a PTOL-85(b) containing the assignee information was timely submitted, petitioner has failed to prove the contention. The postcard receipt filed with the petition simply indicates \$1,706 was filed on June 28, 2005, along with "Issue fee." The file does contain a sheet labeled "Transmittal of Payment of Issue Fee." For these reasons, the postcard receipt fails to prove the PTOL-85(b) was received by the Office.

Certificates of Correction Branch will be informed of the instant decision and will issue the requested Certificate of Correction.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', is positioned above the printed name.

Charles Steven Brantley
Petitions Attorney
Office of Petitions